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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/826,764

04/16/2004

Alan George Dry

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1214

27377

7590

04/13/2006

MACMILLAN, SOBANSKI & TODD, LLC
ONE MARITIME PLAZA-FOURTH FLOOR
720 WATER STREET
TOLEDO, OH 43604

EXAMINER

COLETTA, LORI L

ART UNIT

PAPER NUMBER

3612

DATE MAILED: 04/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/826,764

Applicant(s)

DRY, ALAN GEORGE

Examiner

Lori L. Coletta

Art Unit

3612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-19 and 21-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-9,11-15,19 and 21-23 is/are rejected.
- 7) ☒ Claim(s) 10,16-18,25 and 26 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 3-9, 11-15, 19 and 21-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Weiss et al. 6,409,136.

Regarding claim 1, Weiss et al. '136 discloses an interior trim component (10) for a vehicle, said trim component comprising a body (12); and an article holder (18) having a support structure (24) for supporting an article, said article holder pivotally connected to said body and moveable between a storage position and a deployed position, wherein in the deployed position said support structure of the article holder is higher relative to a position of said support structure when said article holder is in the storage position, and wherein said article holder is removably mounted (20) to said body when in the deployed position in Figure 1.

Regarding claim 3, Weiss et al. '136 discloses the interior trim component (10), wherein said body is an interior trim panel.

Regarding claim 4, Weiss et al. '136 discloses the interior trim component (10), wherein said body includes a forward end and a rearward end, and said article holder is pivotally connected adjacent said forward end of said body.

Regarding claim 5, Weiss et al. '136 discloses the interior trim component (10), wherein said forward end of said body includes a recess (46), and wherein at least a portion of said article holder (24) is disposed within said recess when said article is in the storage position in Figure 3.

Regarding claim 6, Weiss et al. '136 discloses the interior trim component (10), wherein said body defines a vehicle console.

Regarding claim 7, Weiss et al. '136 discloses the interior trim component (10), wherein said body includes a lid (18).

Regarding claim 8, Weiss et al. '136 discloses the interior trim component (10), wherein said lid is pivotally connected adjacent a rearward end of said body.

Regarding claim 9, Weiss et al. '136 discloses the interior trim component (10), wherein said lid is pivotally connected adjacent a rearward end of said body.

Regarding claim 11, Weiss et al. '136 discloses the interior trim component (10), wherein in the deployed position said article holder is releasably connected to said lid, such that when said article holder is in the deployed position, movement of said lid causes said article holder to move.

Regarding claim 12, Weiss et al. '136 discloses the interior trim component (10), wherein the deployed position said support structure is forward relative to a position of said support structure when said article holder is in the storage position.

Regarding claim 13, Weiss et al. '136 discloses the interior trim component (10), wherein said support structure includes a wall defining a cavity for supporting an article.

Regarding claim 14, Weiss et al. '136 discloses the interior trim component (10), wherein said support structure is a clip for securing an article to said article holder.

Regarding claim 15, Weiss et al. '136 discloses the interior trim component (10), wherein said clip is spring biased.

Regarding claim 19, Weiss et al. '136 discloses a console assembly (10) for a vehicle, said console assembly comprising a console body (12) having a lid (18), said lid pivotally connected to said console body; and an article holder is pivotally connected to said console body and movable between a storage position and a deployed position; wherein in the deployed position said support structure of said article holder is higher relative to a position of said support structure when said article holder is in the storage position; wherein said article holder is removably mounted to said console body when in the deployed position; and wherein in the deployed position said article holder is releasably connected to said lid, such that when said article is in the deployed position, movement of said lid causes said article holder to move.

Regarding claim 21, Weiss et al. '136 discloses an interior trim component (10) for a vehicle comprising a body; a lid supported on said body for movement between first and second lid positions; and an article holder supported on said body for movement between first and second article holder positions, said article holder being selectively engageable with said lid for movement therewith between said first and second lid positions.

Regarding claim 22, Weiss et al. '136 discloses an interior trim component (10), said trim component comprising a body (12); and an article holder (24) removably mounted to said body; said article holder having a clip for securing an article to said article holder, said article holder pivotally connected to said body and movable between a storage position and a deployed position, wherein in the deployed position said clip of said article holder is higher relative to a position of said clip when said article holder is in the storage position.

Regarding claim 23, Weiss et al. '136 discloses the interior trim component (10), wherein said clip is spring biased.

3. Claim 24 is rejected under 35 U.S.C. 102(b) as being anticipated by Susko et al. 5,996,866.

Regarding claim 24, Susko et al. '866 discloses an interior trim component for a vehicle, said trim component comprising a body (30); an article holder removably mounted to the body, said article holder having a support structure for supporting an article, said article holder pivotally connected to said body and movable between a storage position and a deployed position, wherein in the deployed position said support structure of said article holder is higher relative to a position of said support structure when said article holder is in the storage position and a latching mechanism for releasably latching said article holder in the deployed position.

Allowable Subject Matter

4. Claims 10, 16-18, 25 and 26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

5. Applicant's arguments with respect to claims 1, 3-14, 19 and 21 have been considered but are moot in view of the new ground(s) of rejection.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lori L. Coletta whose telephone number is 571-272-6658.

The examiner can normally be reached on Monday-Friday 7:30am-4:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Dayoan can be reached on 571-272-6659. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Lori L. Coletta
Primary Examiner
Art Unit 3612

llc
April 11, 2006